IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

CRIMINAL APPEAL NO.624 of 2001
(Old No.2370 of 1989)

Jas Pal S/o Pancham Lal,
R/o Village Bhamaj, Patwari Area
Chandra Nagar, Tehsil Ukhimau, Distt. Chamoli
... Appellant

Versus

The State
... Respondent

Dated: June 15, 2007

Sri N.S. Negi, learned counsel for the appellant
Sri Prabhakar Joshi, learned brief holder for the State

HON. DHARAM VEER, J.

This appeal, preferred u/s 374(2) of Code of Criminal Procedure, 1973 (*hereinafter to be referred as Cr.P.C.*) against the judgment and order dated 06.12.1989 passed by Sessions Judge, Chamoli in Session Trial No.16 of 1989, State Vs. Panchamu Lal & another, under Section 366 and 376 of Indian Penal Code, 1860, whereby the Sessions Judge, Chamoli has convicted the appellant u/s 366 IPC and awarded sentence for 5 years R.I. and u/s 376 IPC and awarded sentence for 5 years R.I. Both the sentences were directed to run concurrently. However, the accused Panchamu Lal was acquitted for the offence punishable u/s 366 IPC.

On 15.5.2007, learned counsel for the appellant made a statement at bar that the appellant Jaspal had been died. In view of this statement, a report was summoned from CJM, Rudraprayag regarding the death of the appellant Jaspal Ram. C.J.M. Rudraprayag vide his letter dated 28.5.2007 on the basis of report of

Patwari Badav, Tehsil Ukhimath, has informed that the appellant Jaspal Lal had died on 9.6.1991.

In view of the fact that the appellant Jaspal Lal had died on 9.6.1991, the appeal preferred by the appellant Jaspal Lal stands abated.

(Dharam Veer, J.)

Rajeev Dang